

**MINUTES OF THE LAFAYETTE COMMON COUNCIL
MAY 10, 1999
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, May 10, 1999, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

Mayor Heath administered the oath of office to Mr. Perry Brown who replaces the late Johanna Downie for the District 3 Common Council position.

The following members were:

Present: Boehning, Phillips, Campbell, Brown, Rhoda, Fisher, Smith, Probasco

Absent: Meyer

The 1st Deputy Clerk stated that there was a quorum present.

Councilman Campbell moved to recess for a Public Hearing on Ordinance 98-64, Councilman Fisher seconded. The motion passed by unanimous voice vote. The 1st Deputy Clerk read Ordinance 98-64 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Habitat for Humanity, Petitioner) by title only. There was no public comment regarding Ordinance 98-64. Councilman Campbell moved to reconvene the regular session, Councilman Rhoda seconded. The motion to reconvene passed by unanimous voice vote.

Joni Heide, Parks Operations Director, addressed the Council and briefly explained the requirements for the Tree City USA Award. Ms. Heide then introduced Mr. Burnie Fischer, State Forester for the Department of Natural Resources, who then presented the City with it's 7th consecutive Tree City USA Award.

Councilman Campbell moved to approve the Minutes of the April 12, 1999 regular meeting, Councilman Fisher seconded. The minutes were approved by unanimous voice vote.

The 1st Deputy Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The 1st Deputy Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Reports– March 1999

Motor Vehicle Report – March 1999

Police Traffic Report – March 1999

Police Department Monthly Report - March 1998 and March 1999

Lafayette Water Works - April 1999

Water Pollution Control Department - April 1999

Miscellaneous Monthly Department Reports

Ordinances for Second Reading:

The 1st Deputy Clerk read Ordinance 98-64 (An Ordinance to Vacate a Portion of the Public Way in the City of Lafayette, Habitat for Humanity, Petitioner) by title only for second reading. Councilman Rhoda moved for passage, Councilman Smith seconded. Ordinance 98-64 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-9 (An Ordinance to Amend Section 10.98 (D) of the Lafayette City Code Pertaining to the Ordinance Violations Bureau) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Phillips seconded. Ordinance 99-9 passed 7-0 on a roll call vote.

Ordinances for First Reading:

The 1st Deputy Clerk read Ordinance 99-10 (An Ordinance to Vacate a Portion of the Public Right of Way in the City of Lafayette, Indiana, The Roman Catholic Diocese of Lafayette, Indiana, Petitioner) by title only for first reading. Councilman Phillips moved for passage, Councilman Rhoda seconded. Joseph Bumbleburg, representing the petitioner, explained the ordinance. Ordinance 99-10 passed 7-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Ordinance 99-10 for 7:01 p.m. on June 7, 1999, Councilman Boehning seconded. The motion passed by unanimous voice vote.

The 1st Deputy Clerk read Ordinance 99-11 (An Ordinance Amending Chapters 2, 3, 4 and 5 of Ordinance 97-51 being the Unified Zoning Ordinance of Tippecanoe County, Area Plan Commission, Petitioner) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Smith seconded. Jim Hawley, Area Plan Commission Executive Director, explained the ordinance. Penny Parmenter, 1024 Tippecanoe Street, spoke in opposition to the ordinance. Sandy Lahr, 822 Kossuth Street, spoke in favor of the ordinance. Ordinance 99-11 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-12 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R1B to NB, Newton Oil Company, Petitioner) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Rhoda seconded. Joseph Bumbleburg, representing the petitioner, explained the ordinance. Ordinance 99-12 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-13 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R3, PDRS, PDCC, PDMX, GB, I3 and FP to R2U, R3, R3U, PDRS, PDCC, PDMX, NB, NBU, GB CB and FP, Centennial Neighborhood, Area Plan Commission, Petitioner) by title only for first and final reading. Councilman Smith moved for passage, Councilman Phillips seconded. Jim Hawley, Area Plan Commission Executive Director, explained the ordinance. Joseph Bumbleburg spoke in favor of this ordinance. David Garrod, West Lafayette, explained that he owned homes in this neighborhood and spoke in opposition to this ordinance. Mr. Hawley then addressed Mr. Garrod's comments regarding this ordinance. Ordinance 99-13 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-14 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R3 to NB, Derrin P. Sorenson, Petitioner) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Smith seconded. Councilman Fisher inquired about a new entrance on to County Road 350. Joseph Bumbleburg, representing the petitioner, stated that there would be no new entrances on to County Road 350. Ordinance 99-14 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-15 (An Ordinance Amending Lafayette City Code of Ordinances Section 93.03 Pertaining to Fireworks) by title only for first reading. Councilman Phillips moved for passage, Councilman Boehning seconded. Ordinance 99-15 passed 7-0 on a roll call vote.

The 1st Deputy Clerk read Ordinance 99-16 (An Ordinance Ratifying Ordinance 98-67 Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and Ending December 31, 1999) by title only for first reading. Councilman Fisher moved for passage, Councilman Brown seconded. Ordinance 99-16 passed 7-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Ordinance 99-16 for 7:02 p.m. on June 7, 1999, Councilman Boehning seconded. The motion passed by unanimous voice vote.

There were no Resolutions for Reading.

There were no Reports of Standing Committees or Reports of Special Committees.

Report by Mayor: Mayor Heath welcomed Councilman Brown. Mayor Heath then stated that the Aquatic Center was coming along and should be open by June 19, 1999. Mayor Heath commented that the Columbia Properties building was going up very nicely. Mayor Heath also stated that meetings have been held with some of the business people on North 9th Street regarding the future improvements to North 9th Street.

Councilman Fisher moved to re-appoint Dr. William H. Corbett for a term on the Police Merit Board beginning June 1, 1999, Councilman Boehning seconded. The motion passed by unanimous voice vote.

Councilman Fisher moved to appoint Mr. Alan White to serve on the Historic District Review Board, Councilman Phillips seconded. The motion passed by unanimous voice vote.

President Probasco commented on the accomplishments that have come about due to neighborhoods, neighborhood associations, and governmental entities working together. President Probasco stated that the neighborhoods are the "life blood" of this community and he thanked all the citizens who take their time to participate.

Councilman Rhoda stated that there would be a neighborhood meeting with Walgreen's Drug Store on Thursday, May 20, 1999, in Council Chambers. Councilmen Fisher added that the Walgreen's Store Manager and District Manager have been very cooperative and will attend the meeting to respond to any comments.

Councilman Campbell inquired about a large number of Ordinance Violations Bureau Tickets received by an individual on Bridgewater Court. Opal Kuhl, City Engineer, explained that these tickets were given to one builder for construction debris blowing around in this area.

Public Comment: Dave Lahr, 822 Kossuth, spoke representing the Neighborhood Association Coalition and thanked all the Council members for the work done with the neighborhoods.

Phyllis Hunt read the following statement in memory of the late Johanna Downie, Councilman District 3: *We are saddened by the death of Johanna. As our representative for District 3 on the Lafayette City Council she will be missed. We rejoice and appreciate her life of public service to the City's older neighborhoods. We fondly remember Johanna sitting in on our Centennial Neighborhood Association Meetings and she would always counsel and encourage us as we planned the rezoning and development projects. Ironically we learned that she was critically ill while we were participating in a neighborhood design workshop conducted by Ball State University. Many of you were there for that, in fact it was from you that we learned this. We are confident that Johanna would be pleased with the plans and the enthusiasm for the future and I know she would have been very pleased with the vote tonight. We are grateful that Johanna left a legacy for the community to follow for the successful revitalization of the city's core neighborhoods.*

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Brown seconded. The Motion passed by unanimous voice vote. Time being 8:03 p.m.

Minutes prepared by Becki Hatton, 1st Deputy City Clerk.

A tape recording of this council meeting is maintained in the City Clerk's Office.